
**CHILD SUPPORT PROGRAM
CHILD SUPPORT COLLECTIONS AND DISTRIBUTION**

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CHAPTER 12-400 CHILD SUPPORT COLLECTION AND DISTRIBUTION REGULATIONS

12-401 GENERAL STATEMENT

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- .1 The collection and distribution procedures of the Child Support Enforcement Program are a key component for accurately processing support payments received in Title IV-D cases enforced by the local child support agency. Depending on the aid or non-aid status, collections may be distributed to families, or used for repayment of cash or medical aid payments provided to the family, or used as abatements against the local child support agency's quarterly administrative expenditure claim. This chapter addresses the requirements for the duration of the assignment of support rights for current and former assistance cases, the requirements for allocating support payments when noncustodial parents have more than one case within the county, the application of support payments within the individual case by arrearage types and debt types, performing the welfare distribution process, and the requirements for reporting support collections to the Department for management purposes and federal reporting, and specifies the required case level audit trail reports.
- .2 Manual of Policies and Procedures Division 25, Handbook Sections 25-900 through 25-925 are replaced with these regulations.

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NOTE: Authority Cited: Sections 10553, 10554, 11457, 11475, and 11479.5, Welfare and Institutions Code. Reference: Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Section 452(a), [42 U.S.C. 652(a)], Section 454B(c)(1), [42 U.S.C. 654B(c)(1)], Section 455(d) [42 U.S.C. 655(d)], and Section 457(a) [42 U.S.C. 657(a)].

12-405 DEFINITIONS

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- .1 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Sections 12-101, 12-301, 12-501, 12-601, and 12-701.
- .2 When used as a term specific to Chapter 12-400:
 - (a) (1) "AFDC" -- means Aid to Families with Dependent Children aid program, which was a federal program paid under Title IV-A of the Social Security Act, funded with federal, state and county funds, and a non-federal aid program funded with state and county funds.
 - (2) "Allocation" -- means the first step in the distribution process to apportion a support payment between several cases/children.
 - (3) "Assigned" -- means the rights to support payments have been turned over to the state (and the county) as a condition of receiving aid.

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- (b) Reserved
- (c) (1) "CalWORKs" -- means the California Work Opportunity and Responsibility to Kids program, established pursuant to Welfare and Institutions Code, Chapter 2, commencing with Section 11200.
- (2) "Conditionally Assigned Arrearages" -- means the arrearages that were temporarily assigned while the family received aid, but the temporary assignment has ended because the family is no longer receiving aid. These arrears are normally unassigned and paid to the family if collected from a source other than IRS tax intercept. However, when collections are received from the IRS tax intercept these arrears are conditionally assigned and will be used to reimburse aid paid.
- (3) "Collection" -- means the amount of support payment received from a noncustodial parent or other person or agency on behalf of an obligor who is ordered by the court to pay support on behalf of the children or spouse.
- (4) "Current Assistance Case" -- means a Title IV-D case that is currently receiving aid under CalWORKs (which includes the legal immigrant program) or foster care.
- (d) (1) "Disbursement" -- means the actual dispensing or paying out of the collection.
- (2) "Distribution" -- means the application of monies to specific accounts to determine the appropriate disbursement of monies.
- (e) Reserved
- (f) (1) "Former Assistance Case" -- means a Title IV-D case that has in the past received aid under AFDC, TANF/CalWORKs (which includes the legal immigrant program), or foster care.
- (2) "Foster Care" -- means the federal foster care aid program under Title IV-E of the Social Security Act which is funded with federal, state, and county funds, and the non-federal aid program funded with state and county funds.

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- (3) "Futures" -- means collections received from the noncustodial parent that are in excess of the current support obligations and no arrearages exist.
- (g) Reserved
- (h) Reserved
- (i) Reserved
- (j) Reserved
- (k) Reserved
- (l) Reserved
- (m) "Mixed Status Cases" -- means a Title IV-D case where one or more of the children in the case have a different aid or non-aid status, either currently or in the past.
- (n) (1) "Never Assigned Arrearages" -- means arrearages that have never been assigned to the state in never assistance cases. Never assigned arrears are also the arrearages in former assistance cases that accrued after the family's most recent period of aid ends.
- (2) "Never Assistance Case" -- means a Title IV-D case that is not currently and has never in the past received aid under AFDC, CalWORKs (which includes the legal immigrant program), or foster care.
- (o) (Reserved)
- (p) (1) "Payment Source" -- means the origin (e.g., person, other county or state child support enforcement agency) or the enforcement method used to obtain the support payment received (e.g., wage assignment, writs, till taps, tax intercept, etc.).
- (2) "Permanently Assigned Arrearages" -- means unpaid support that is assigned to the state as of September 30, 1998 and the unpaid support that accrues on or after October 1, 1998 while the family is receiving aid.
- (q) Reserved
- (r) (1) "Recoupment" -- means the amount of support that was collected that has been applied to reimburse in whole or in part the unreimbursed assistance pool which is used to reimburse the federal, state and county governments for aid paid to the family.
- (2) "Regular Payments" -- means all collections received, regardless of payment sources, except IRS tax intercept.

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- (s) (1) "Single Status" -- means a Title IV-D case where all of the children in the case are the same status, either currently receiving assistance, formerly received assistance, or never received assistance.
- (2) "State Optional Payments" - means any payment made to the current assistance CalWORKs family from the nonfederal share of collections, as determined by the Department (i.e., disregard).
- (t) "Temporarily Assigned Arrearages" -- means the unpaid support that accrues after October 1, 1998 and before the period the family receives aid (pre-assistance arrears), and any unassigned arrears that accrued before October 1, 1998 when the family goes on aid after October 1, 1998. These arrearages are not permanently assigned. The temporary assignment ends when the family stops receiving aid.
- (u) (1) "Unassigned During Assistance Arrearages" -- means unpaid support in former assistance cases that accrued while the family was receiving aid (permanently assigned arrearages), but which exceeded the total unreimbursed assistance pool.
- (2) "Unassigned Pre-Assistance Arrearages" -- means unpaid support in former aid cases that accrued before the family was receiving aid (temporarily assigned arrearages) and which exceeded the total unreimbursed assistance pool.
- (3) "Unreimbursed Assistance Pool (UAP)" -- means the total cumulative amount of aid paid to the family assistance unit for AFDC, CalWORKs (which includes the legal immigrant program), or foster care programs which has not been repaid by the recoupment of collections for assigned current support or arrearages (permanently, temporarily assigned, or conditionally assigned through an IRS tax intercept collection). The UAP must also be reduced by any state optional payments, including the disregard payment as defined in Section 12-101.3(d)(8), as determined by the Department. No interest accrues on the UAP.
- (v) "Voluntary Payments" -- means support payments received from the noncustodial parent in Title IV-D cases where there is no court ordered obligation. These payments must be treated as the obligation for the current month in the month they are received.
- (w) (1) "Welfare Distribution Process" -- means a monthly process where assigned support payments collected on behalf of current or former assistance cases are distributed to reimburse the aid payments made to the family or to the foster care child, or to authorize payments to families, as defined in Section 12-101.3.
- (2) "Working Day" -- means the day that the local child support agency's office is open for business.

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- (x) Reserved
- (y) Reserved
- (z) Reserved

NOTE: Authority Cited: Sections 17310 and 17312, Family Code. Reference: Section 11477, Welfare and Institutions Code; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Section 408(a)(3)(A) [42 U.S.C. 608(a)(3)(A)], Section 454B(c)(1) [42 U.S.C. 654B(c)(1)], and Section 457(a) [42 U.S.C. 657(a)]; Office of Child Support Enforcement (OCSE) Action Transmittal 97-13, Section K - Question 70; and OCSE Action Transmittal 97-17, Sections I(c) and (f), III(e) through (n), IV(a), V, VI, and VII, and Questions 22, 41, and 42.

12-410	ASSIGNMENT OF SUPPORT RIGHTS	12-410
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.1 Assignment Requirements

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As a condition of eligibility for aid under the CalWORKs or Foster Care programs, each applicant or recipient shall assign to the county any rights to support from any other person the applicant or recipient may have on his or her own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving aid. Receipt of aid automatically constitutes as an assignment by operation of law.

- .11 See Manual of Policies and Procedures Section 82-506 for applicants/recipients assignment of support rights requirements.

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.12 Assignment Duration

- .121 Support that was assigned prior to October 1, 1998 is permanently assigned.
- .122 Support that accrues after October 1, 1998 while the family is receiving aid is permanently assigned.
- .123 Support that accrues after October 1, 1998 before the family goes on aid or that was not assigned prior to October 1, 1998 is temporarily assigned while the family is receiving aid.

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- .124 When the family is no longer receiving aid, the assignment of rights to current support terminates.
- .125 When the family is no longer receiving aid, the permanently assigned arrearages remain permanently assigned until repaid from child, family and spousal support payments collected.
 - (a) Medical support permanently assigned arrearages remain permanently assigned until repaid from medical support payments collected.
 - (b) The permanently assigned arrearages in a former assistance case shall not exceed the total amount of the unreimbursed assistance pool, unless interest has accrued on the permanently assigned arrearages after the calculation has been made in Section 12-410.131(a), if applicable.
 - (1) Any support payments that are applied to permanently assigned arrearages, interest or principal, which are in excess of the unreimbursed assistance pool will be paid to the family as an excess payment.
- .126 When the family is no longer receiving aid, the temporarily assigned arrearages shall be conditionally assigned, up to the total amount of the unreimbursed assistance pool.
 - (a) The conditionally assigned arrearages in a former assistance case shall not exceed the total amount of unreimbursed assistance, unless interest has accrued on the conditionally assigned arrearages after the calculation has been made in Section 12-410.132(a), if applicable.
 - (1) Any support payments that are applied to conditionally assigned arrearages, interest or principal, which are in excess of the unreimbursed assistance pool will be paid to the family as an excess payment.
- .13 Unassigned Arrearages
 - .131 When the family or child is no longer receiving CalWORKs or foster care, the permanently assigned arrearages that exceed the unreimbursed assistance pool must be unassigned.
 - (a) Unassigned During Assistance Arrearages
 - (1) Permanently assigned arrearages that exceed the unreimbursed assistance pool are considered "unassigned during assistance arrearages."

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- (2) To determine the amount of the permanently assigned arrearages that must be unassigned, the local child support agency must first compare the amount of the permanently assigned arrearages against the unreimbursed assistance pool.

.132 After the comparison contained in Section 12-410.131, the local child support agency must then determine if any conditionally assigned arrearages must be unassigned.

(a) Unassigned Pre-Assistance Arrearages

- (1) When the family or child is no longer receiving CalWORKs or foster care, after the calculation in Section 12-410.131, the amount of conditionally assigned arrearages in excess of the remaining unreimbursed assistance pool shall be "unassigned pre-assistance arrearages."
- (A) To compute the unassigned pre-assistance arrearages, the local child support agency must next compare the amount of the conditionally assigned arrearages against the remaining unreimbursed assistance pool after the calculation in Section 12-410.131.

NOTE: Authority Cited: Sections 10553, 10554, 11457, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11477 and 14008, Welfare and Institutions Code; Section 695.221, Code of Civil Procedure; 42 CFR 433.145 and .146; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Section 408(a)(3)(A) [42 U.S.C. 608(a)(3)(A)] and Sections 457(a)(1), (2), (6), and (b) [42 U.S.C. 657(a)(1), (2), (6), and (b)]; Balanced Budget Act of 1997 (P.L. 105-33), Sections 5532(a) and (b) and (conforming amendments in PRWORA Section 408(a)(3)(A)) [42 U.S.C. 608(a)(3)(A)]; and Office of Child Support Enforcement Action Transmittal 97-17, Sections I(h), III(h), (j), (l), and (m), IV(a) through (b)(2), and VI(c)(3)(E), and Questions 14 through 17.

12-415	ALLOCATION OF PAYMENTS IN MULTIPLE CASES	12-415
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.1 Allocation by Payment Source

When the local child support agency receives a collection from or on behalf of a noncustodial parent (NCP) with more than one case in the county, the payment shall be either applied to one specific case and distributed within the case based on the case status, or allocated between multiple cases depending upon the payment source and distributed within the case based on the case status.

.11 The payment sources and allocation rules are as follows:

.111	Payment Source	Allocation Rule
(a)	Bankruptcy Trustee	To the specific case
(b)	Board of Equalization	To all NCP's cases
(c)	Bond	To the specific case with order
(d)	Debtor Exam	To the specific case
(e)	Direct Payment	To the specific case
(f)	Disability Insurance Benefits	To all NCP's cases
(g)	Earnings Withholding Order	To the specific case with the order
(h)	Financial Management Services Offset	To all NCP's cases submitted to the Department of Treasury with certified arrears
(i)	FTB Child Support Collection Program	To the specific case
(j)	FTB Tax Intercept	To all NCP's cases with certified arrears
(k)	Interstate Collection	To the specific case
(l)	IRS Full Collection	To the specific case submitted to the IRS for full collection services
(m)	IRS Tax Intercept	To all NCP's cases submitted to IRS with certified assigned arrearages first and the unassigned arrears

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(n)	Lottery Intercept	To all NCP's cases
(o)	Military Allotment	To the specific case with order
(p)	Noncustodial Parent Payment	To all NCP's cases
(q)	Non-Title IV-D FTB	To the specific case
(r)	Personal Property Liens	To the specific case with lien filed
(s)	Real Property Lien	To all NCP's cases which have a lien filed
(t)	Till Tap	To the specific case with order
(u)	Voluntary Payment (no court order in case)	To NCP's cases with a court order first, and remaining amount to the case without an o
(v)	Wage Assignment	To all NCP's cases with active wage assignments served on the same employer
(w)	Workers' Compensation Lump Sum Liens	To all NCP's cases with liens filed
(x)	Workers' Compensation - Withholding	To all NCP's cases with with- holding claims
(y)	Writ of Execution	To the specific case with order
(z)	Unemployment Compensation	To all NCP's cases

.12 Allocation Formula

The allocation methodology for determining each case's share of the collection is as follows:

.121 Prorate the collection first to satisfy all current support obligations.

- (a) If the collection is not sufficient to satisfy all of the current support obligations for one noncustodial parent, prorate current support collections first to child and family support based on each case's proportionate share of the total current child or family support obligation owed, and then to current medical support owed and then to current spousal support owed.

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- (b) Example: If Case 1 had a current child support obligation of \$100, and Case 2 has a current child support obligation of \$400 and a medical support obligation of \$50, a collection received in the amount of \$150 on behalf of a noncustodial parent with multiple cases in the county would be prorated and Case 1 would receive 20 percent or \$30, and Case 2 would receive 80 percent or \$120. Because the priority is first to current child support, each case received a proportionate share based on the total child support obligations. The current medical support obligation was not included because there was not sufficient collections to satisfy the total current child support obligations in both cases.

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.122 Prorate the remaining collections to satisfy arrearages.

- (a) If the collection is not sufficient to satisfy all of the arrearages owed, prorate to each case based on each case's proportionate share of the total arrearages owed.

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For example, if Case 1 has \$1000 total arrearages owed, Case 2 has \$2,000 total arrearages owed, a collection received in the amount of \$1000 would be prorated with Case 1 receiving 33 percent of the collection, or \$330, and Case 2 would receive 67 percent, or \$670.

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.2 (Reserved)

.3 Allocation of IRS Tax Intercept Collections

Internal Revenue Service tax intercept collections shall be allocated to a noncustodial parent's multiple cases that have been certified to IRS for the tax intercept program with "assigned arrearages" based on each case's proportion of the total certified "assigned" arrearages owed (i.e., permanently, conditionally or temporarily assigned arrearages, principal plus interest). Any remaining arrearage collections would then be allocated to the cases that have been submitted to IRS with certified "unassigned" arrearages based on each case's proportion of the total certified unassigned arrearages owed (i.e., never assigned, unassigned pre-assistance, and unassigned during assistance arrearages, principal plus interest).

.31 Internal Revenue Service tax intercept collections cannot be allocated to cases that are not certified to the IRS.

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.4 Allocation of FTB Tax Intercept Collections

Franchise Tax Board tax intercept collections shall be allocated to a noncustodial parent's multiple cases that have been certified to FTB for the tax intercept program based on the proration formula specified in Section 12-415.12.

.41 Franchise Tax Board tax intercept collections cannot be applied to cases that are not certified to FTB.

.5 Allocation of Wage Assignment Collections

Wage assignment collections from employers shall be allocated to a noncustodial parent's multiple cases that have an active wage assignment for the same employer using the proration formula specified in Section 12-415.12.

NOTE: Authority Cited: Sections 10553, 10554, 11457, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11350, 11350.1, 11475.1, and 11478.6, Welfare and Institutions Code; Sections 697.320, 697.330, 697.510, 699.010 et seq., 703.030, 704.130, 704.160, 706.030, 708.010, 708.303, and 708.740, Code of Civil Procedures; Sections 12419.5 and .8, Government Code; Sections 4012, 4560, 4570, 4610, and 4900 et seq., Family Code; Sections 19271 through 19274, Revenue and Taxation Code; 42 U.S.C. 657(a)(2)(B)(iv); 45 CFR 202.6; 45 CFR 303.71, .80, and .100(a)(5); Office of Child Support Enforcement Action Transmittal 97-13, Question 6; and Office of Child Support Enforcement Action Transmittal 97-17, Case Scenario 7.

12-420	DISTRIBUTION HIERARCHY	12-420
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(a) Distribution Priorities of Single Status Current Assistance Cases - Regular Collections

(1) Regular collections received on behalf of single status current assistance cases shall be distributed by the local child support agency in the following distribution priority order:

- (A) Current child support or family support
- (B) Current medical support
- (C) Current spousal support
- (D) Permanently assigned child or family support interest
- (E) Permanently assigned medical support interest
- (F) Permanently assigned spousal support interest
- (G) Permanently assigned child or family support arrears principal
- (H) Permanently assigned medical support arrears principal

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- (I) Permanently assigned spousal support arrears principal
 - (J) Temporarily assigned child or family support interest
 - (K) Temporarily assigned medical support interest
 - (L) Temporarily assigned spousal support interest
 - (M) Temporarily assigned child or family support arrears principal
 - (N) Temporarily assigned medical support arrears principal
 - (O) Temporarily assigned spousal support arrears principal
 - (P) Fees and costs interest
 - (Q) Fees and costs principal
 - (R) Futures
- (b) Distribution Priorities of Single Status Current Assistance Cases - IRS Tax Intercept Collections
- (1) Internal Revenue Service tax intercept collections received on behalf of single status current assistance cases, shall be distributed by the local child support agency in the priority order in Section 12-420(a), except that these collections cannot be applied to current support, fees and costs, or futures.
- (c) Distribution Priorities of Single Status Former Assistance Cases - Regular Collections
- (1) Regular collections received on behalf of single status former assistance cases shall be distributed by the local child support agency in the following distribution priority order:
- (A) Current child and family support
 - (B) Current medical support
 - (C) Current spousal support
 - (D) Never assigned child or family support interest
 - (E) Never assigned medical support interest
 - (F) Never assigned spousal support interest
 - (G) Never assigned child or family support arrears principal
 - (H) Never assigned medical support arrears principal
 - (I) Never assigned spousal support arrears principal
 - (J) Conditionally assigned child or family support interest
 - (K) Conditionally assigned medical support interest
 - (L) Conditionally assigned spousal support interest

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- (M) Conditionally assigned child or family support arrears principal
 - (N) Conditionally assigned medical support arrears principal
 - (O) Conditionally assigned spousal support arrears principal
 - (P) Unassigned pre-assistance child or family support interest
 - (Q) Unassigned pre-assistance medical support interest
 - (R) Unassigned pre-assistance spousal support interest
 - (S) Unassigned pre-assistance child or family support arrears principal
 - (T) Unassigned pre-assistance medical support arrears principal
 - (U) Unassigned pre-assistance spousal support arrears principal
 - (V) Permanently assigned child or family support interest
 - (W) Permanently assigned medical support interest
 - (X) Permanently assigned spousal support interest
 - (Y) Permanently assigned child or family support arrears principal
 - (Z) Permanently assigned medical support arrears principal
 - (AA) Permanently assigned spousal support arrears principal
 - (BB) Unassigned during assistance child or family support interest
 - (CC) Unassigned during assistance medical interest
 - (DD) Unassigned during assistance spousal support interest
 - (EE) Unassigned during assistance child or family support arrears principal
 - (FF) Unassigned during assistance medical support arrears principal
 - (GG) Unassigned during assistance spousal support arrears principal
 - (HH) Fees and costs interest
 - (II) Fees and costs principal
 - (JJ) Futures
- (d) Distribution Priorities of Single Status Former Assistance Cases - IRS Tax Intercept Collections
- (1) Internal Revenue Service tax intercept collections made on behalf of single status former assistance cases shall be distributed by the local child support agency in the following distribution priority order:
- (A) Permanently assigned child or family support interest
 - (B) Permanently assigned medical support interest

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- (C) Permanently assigned spousal support interest
- (D) Permanently assigned child or family support arrears principal
- (E) Permanently assigned medical support arrears principal
- (F) Permanently assigned spousal support arrears principal
- (G) Conditionally assigned child or family support interest
- (H) Conditionally assigned medical support interest
- (I) Conditionally assigned spousal support interest
- (J) Conditionally assigned child or family support arrears principal
- (K) Conditionally assigned medical support arrears principal
- (L) Conditionally assigned spousal support arrears principal
- (M) Unassigned pre-assistance child or family support interest
- (N) Unassigned pre-assistance medical support interest
- (O) Unassigned pre-assistance spousal support interest
- (P) Unassigned pre-assistance child or family support arrears principal
- (Q) Unassigned pre-assistance medical support arrears principal
- (R) Unassigned pre-assistance spousal support arrears principal
- (S) Unassigned during assistance child or family support interest
- (T) Unassigned during assistance medical support interest
- (U) Unassigned during assistance spousal support interest
- (V) Unassigned during assistance child or family support arrears principal
- (W) Unassigned during assistance medical support arrears principal
- (X) Unassigned during assistance spousal support arrears principal
- (Y) Never assigned child or family support interest
- (Z) Never assigned medical support interest
- (AA) Never assigned spousal support interest
- (BB) Never assigned child or family support arrears principal
- (CC) Never assigned medical support arrears principal
- (DD) Never assigned spousal support arrears principal

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(e) Distribution Priorities of Single Status Never Assistance Cases - Regular Collections

- (1) Regular collections received on behalf of never assistance cases shall be distributed by the local child support agency in the following priority order:
 - (A) Current child and family support
 - (B) Current medical support
 - (C) Current spousal support
 - (D) Never assigned child or family support interest
 - (E) Never assigned medical support interest
 - (F) Never assigned spousal support interest
 - (G) Never assigned child or family support arrears principal
 - (H) Never assigned medical support arrears principal
 - (I) Never assigned spousal support arrears principal
 - (J) Fees and costs interest
 - (K) Fees and costs principal
 - (L) Futures

(f) Distribution Priorities of Never Assistance Cases - IRS Tax Intercept Collections

- (1) Internal Revenue Service tax intercept collections received on behalf of never assistance cases shall be distributed by the local child support agency in the following priority order:
 - (A) Never assigned child or family support interest
 - (B) Never assigned medical support interest
 - (C) Never assigned spousal support interest
 - (D) Never assigned child or family support arrears principal
 - (E) Never assigned medical support arrears principal
 - (F) Never assigned spousal support arrears principal

(g) Distribution Priorities of Mixed Status Cases - Regular Collections

- (1) Regular collections received on behalf of mixed status cases shall be distributed by the local child support agency in the following priority order:

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- (A) Child and Family Support
- (B) Medical Support
- (C) Spousal Support
- (D) Never assigned child or family support interest
- (E) Never assigned medical support interest
- (F) Never assigned spousal support interest
- (G) Never assigned child or family support arrears principal
- (H) Never assigned medical support arrears principal
- (I) Never assigned spousal support arrears principal
- (J) Conditionally assigned child or family support interest
- (K) Conditionally assigned medical support interest
- (L) Conditionally assigned spousal support interest
- (M) Conditionally assigned child or family support arrears principal
- (N) Conditionally assigned medical support arrears principal
- (O) Conditionally assigned spousal support arrears principal
- (P) Unassigned pre-assistance arrearages child or family support interest
- (Q) Unassigned pre-assistance medical support interest
- (R) Unassigned pre-assistance spousal support interest
- (S) Unassigned pre-assistance child or family support arrears principal
- (T) Unassigned pre-assistance medical support arrears principal
- (U) Unassigned pre-assistance spousal support arrearages principal
- (V) Permanently assigned child or family support interest
- (W) Permanently assigned medical support interest
- (X) Permanently assigned spousal support interest
- (Y) Permanently assigned child or family support arrears principal
- (Z) Permanently assigned medical support arrears principal
- (AA) Permanently assigned spousal support arrears principal
- (BB) Temporarily assigned child or family support interest
- (CC) Temporarily assigned medical support interest
- (DD) Temporarily assigned spousal support interest

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- (EE) Temporarily assigned child or family support arrears principal
- (FF) Temporarily assigned medical support arrears principal
- (GG) Temporarily assigned spousal support arrears principal
- (HH) Unassigned during assistance child or family support interest
- (II) Unassigned during assistance medical support interest
- (JJ) Unassigned during assistance spousal support interest
- (KK) Unassigned during assistance child or family support arrears principal
- (LL) Unassigned during assistance medical support arrears principal
- (MM) Unassigned during assistance spousal support arrears principal
- (NN) Fees and costs interest
- (OO) Fees and costs principal
- (PP) Futures

(h) Distribution Priorities of Mixed Status Cases - IRS Tax Intercept Collections

- (1) Internal Revenue Service tax intercept collections made on behalf of mixed status cases shall be distributed by the local child support agency in the following priority order:
 - (A) Permanently assigned child or family support interest
 - (B) Permanently assigned medical support interest
 - (C) Permanently assigned spousal support interest
 - (D) Permanently assigned child or family support arrears principal
 - (E) Permanently assigned medical support arrears principal
 - (F) Permanently assigned spousal support arrears principal
 - (G) Temporarily assigned child or family support interest
 - (H) Temporarily assigned medical support interest
 - (I) Temporarily assigned spousal support interest
 - (J) Temporarily assigned child or family support arrears principal
 - (K) Temporarily assigned medical support arrears principal
 - (L) Temporarily assigned spousal support arrears principal
 - (M) Conditionally assigned child or family support interest

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- (N) Conditionally assigned medical support interest
 - (O) Conditionally assigned spousal support interest
 - (P) Conditionally assigned child or family support arrears principal
 - (Q) Conditionally assigned medical support arrears principal
 - (R) Conditionally assigned spousal support arrears principal
 - (S) Unassigned pre-assistance child or family support interest
 - (T) Unassigned pre-assistance medical support interest
 - (U) Unassigned pre-assistance spousal support interest
 - (V) Unassigned pre-assistance child or family support arrears principal
 - (W) Unassigned pre-assistance medical support arrears principal
 - (X) Unassigned pre-assistance spousal support arrears principal
 - (Y) Unassigned during assistance child or family support interest
 - (Z) Unassigned during assistance medical support interest
 - (AA) Unassigned during assistance spousal support interest
 - (BB) Unassigned during assistance child or family support arrears principal
 - (CC) Unassigned during assistance medical support arrears principal
 - (DD) Unassigned during assistance spousal support arrears principal
 - (EE) Never assigned child or family support interest
 - (FF) Never assigned medical support interest
 - (GG) Never assigned spousal support interest
 - (HH) Never assigned child or family support arrears principal
 - (II) Never assigned medical support arrears principal
 - (JJ) Never assigned spousal support arrears principal
- (i) Franchise Tax Board tax intercept collections and federal financial management services offset collections received, shall be distributed by the local child support agency in the distribution priority as a regular payment, except that these payments cannot be applied to futures.
- (j) Never Assistance Case - Medically Needy Only - Regular Collections
- (1) Current child and family support
 - (2) Current medical support

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- (3) Current spousal support
 - (4) Never assigned child or family support interest
 - (5) Never assigned medical support interest
 - (6) Never assigned spousal support interest
 - (7) Never assigned child or family support arrears principal
 - (8) Never assigned medical support arrears principal
 - (9) Never assigned spousal support arrears principal
 - (10) Conditionally assigned medical support interest
 - (11) Conditionally assigned medical support principal
 - (12) Permanently assigned medical support interest
 - (13) Permanently assigned medical support principal
 - (14) Fees and costs interest
 - (15) Fees and costs principal
 - (16) Futures
- (k) Never Assistance Case - Medically Needy Only - IRS Tax Intercept Collections
- (1) Permanently assigned medical support interest
 - (2) Permanently assigned medical support principal
 - (3) Conditionally assigned medical support interest
 - (4) Conditionally assigned medical support principal
 - (5) Never assigned child or family support interest
 - (6) Never assigned medical support interest
 - (7) Never assigned spousal support interest
 - (8) Never assigned child or family support arrears principal
 - (9) Never assigned medical support arrears principal
 - (10) Never assigned spousal support arrears principal

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12-420 DISTRIBUTION HIERARCHY (Continued)**12-420**

NOTE: Authority Cited: Section 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Section 11477, Welfare and Institutions Code; Section 695.221, Code of Civil Procedure; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Sections 457(a)(1) and (2) [42 U.S.C. 657(a)(1) and (2)]; Office of Child Support Enforcement Action Transmittal 97-17, Sections V, VI, and VIII, Questions 13, 15, 27, 28, 29, 30, 33, 42, and 45; and 45 CFR 302.52.

12-425 WELFARE DISTRIBUTION PROCESS**12-425****(a) Time Frame**

- (1) The welfare distribution process shall be completed within 13 calendar days after the end of the aid and collection month.

(b) Designated Agency

- (1) The local child support agency may delegate another county agency to perform the welfare distribution process via a plan of cooperation.
 - (A) The local child support agency shall be responsible for ensuring that all distribution amounts are proper and the time frames are met for completing the welfare distribution process and disbursing disregards, pass-on, and excess payments to the family or to the foster care placement agency.
 - (B) The county welfare department is responsible for disbursing the disregard payments to the CalWORKs family.

(c) Disregard Payment

- (1) If a current support payment is received on behalf of a current assistance CalWORKs case (court ordered or voluntary), the local child support agency shall authorize up to the first \$50 of a collection as a "disregard payment."
 - (A) This payment shall be made to the assistance unit within the time frames set forth in Sections 12-108.51 and .511.
 - (B) The unreimbursed assistance pool must be reduced by any disregard amount authorized.

12-425	WELFARE DISTRIBUTION PROCESS (Continued)	12-425
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- (C) If the amount is less than \$50, the local child support agency shall authorize the entire amount as a disregard payment.
 - (D) When current support is received from more than one noncustodial parent for the collection month, only one disregard of up to \$50 shall be authorized as a payment to the family for the given month.
 - (E) When current support is received from one noncustodial on behalf of multiple current assistance cases, a disregard of up to \$50 for each assistance unit shall be authorized.
 - (F) Disregard payments shall be authorized in CalWORKs cases only. No disregard shall be authorized for a foster care case.
 - (G) When a direct payment is received, and the local child support agency has been notified that the maximum disregard has been authorized, no additional disregard shall be authorized for the collection month.
 - (H) If no current support payment is received during the collection month, a disregard cannot be authorized.
 - (I) This payment is a state-optional payment.
- (d) Current Recoupment
- (1) In a current assistance CalWORKs case, any amount of current child, family, or spousal support collected that remains after the amount distributed under Section 12-425(c) shall be retained by the county to reimburse, in whole or in part, the aid payment for that month, and any past aid payments made to the family which have not been otherwise reimbursed.
 - (2) In a current assistance federal foster care case, any amount of current child support collected shall be retained by the county to reimburse in whole or in part the aid payment for that month.
 - (3) In a current assistance nonfederal foster care case, any amount of current child support collected shall be retained by the county to reimburse, in whole or in part, the aid payment for that month and any past aid payments made to the child which have not been otherwise reimbursed.
 - (4) Of the amount retained in Section 12-425(d)(1), (2), or (3), the local child support agency shall reimburse the state and federal governments according to the repayment sharing rates provided annually by the Department.

12-425 WELFARE DISTRIBUTION PROCESS (Continued)**12-425****(e) Pass-On****(1) Federal Foster Care**

- (A) In a federal foster care case, the amount of current support collected that is in excess of the amount required to be distributed under Section 12-425(d) and which represents payment on the required support obligation for the month of collection up to the difference between the aid payment in the month of collection and the court ordered amount for the same month shall be paid to the county welfare department to be placed in trust for the child or used in the best interest of the child, as determined by the county welfare department.
- (B) If the court order amount is less than such aid payment or there is no court order, no amount shall be paid to the county welfare department on behalf of the federal foster care child.
- (C) Pass-on is not a state optional payment and does not reduce the unreimbursed assistance pool.
- (D) This payment must be paid within the disbursement time frames specified in Section 12-108.

(2) All Other Aid Programs

- (A) No pass-on payments shall be authorized for a CalWORKs case.
- (B) No pass-on payments shall be authorized for a nonfederal foster care case.

(f) Current Excess

- (1) In CalWORKs cases, the amount of current support that is in excess of the amount required to be distributed under Sections 12-425(c) and (d) and which is in excess of the total unreimbursed assistance pool amount, shall be paid to the family as an excess payment.
- (2) In nonfederal foster care cases, the amount of current support that is in excess of the amount required to be distributed under Section 12-425(d) and which is in excess of the total unreimbursed assistance pool amount, shall be paid to the county welfare department to be placed in trust for the child or used in the best interest of the child, as determined by the county welfare department.

(g) Unreimbursed Assistance Pool Adjustment

- (1) Any state optional payments, as determined by the Department, paid to the CalWORKs family shall reduce the remaining unreimbursed assistance pool balance after the distribution of the current support payment.

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12-425 WELFARE DISTRIBUTION PROCESS (Continued)**12-425**

- (A) The adjustment to the unreimbursed assistance pool cannot reduce the unreimbursed assistance pool balance less than zero.

(h) Arrears Recoupment

- (1) Any amount of child, family, or spousal support collected that represents payment on arrearages shall be retained by the county as reimbursement of the adjusted unreimbursed assistance pool amount specified in Section 12-425(g).

- (A) Of the amount retained, the county shall reimburse the state and federal governments according to the repayment sharing rates provided annually by the Department.

(i) Excess

- (1) Any amounts collected which remain after the amounts distributed under Section 12-425(h) shall be paid to the family in a current assistance CalWORKs case or sent to the county welfare department to be placed in trust for the foster care child or used for the benefit of the foster care child, as determined by the county welfare department based on the child's best interests.

- (A) Excess payments must be made within the time frames specified in Section 12-108.

(j) Maximum Reimbursement

- (1) The maximum amount the county may retain as reimbursement of aid is the amount of the total support obligation owed for the period(s) in which the family was on CalWORKs that has been permanently assigned, plus any payments on the required support obligation for months prior to the period in which the family was on CalWORKs that is temporarily or conditionally assigned.

- (A) Reimbursement with conditionally assigned arrearages shall be made only with IRS tax intercept collections.

- (B) In no instance shall reimbursement exceed the unreimbursed assistance pool.

- (C) The county shall reimburse the state and federal governments according to the repayment sharing rates provided annually by the Department.

(k) Futures

- (1) Any amounts collected as support which represent payment on the required support obligation for future months shall be held from distribution/disbursement and treated as if it were collected in such future months.

- (A) No such amount shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned pursuant to Section 12-410 for the current month and all past months.
 - (B) If a future obligation does not exist or is expected not to exist, this excess is an invalid payment and shall be returned to the noncustodial parent.
- (l) Futures Returned to Payor
 - (1) Any amounts remaining in the account of the payor at the time aid is terminated shall be returned to the payor when the custodial parent cannot be located and the requirements in Section 12-430(k)(1)(A) have been satisfied.
- (m) Identification of Payments
 - (1) Any amounts paid to the family pursuant to Sections 12-425(c) and (i) shall be identified as a child support payment and not as an aid payment. Amounts paid under Section 12-425(c) must be identified and paid pursuant to instructions in Section 25-370.
 - (A) All support payments made to a CalWORKs assistance unit under this section shall be made to the resident parent, caretaker relative, or legal guardian having legal custody of or responsibility for the child for whom the support was received.
 - (B) No payments shall be made to the family in foster care cases. Any payments made on behalf of a foster care child, pursuant to Section 12-425(i), shall be made to the county welfare department to be held in trust for the foster care child or used for the benefit of the foster care child, as determined by the county welfare department based on the child's best interest.
- (n) Unpaid Support Obligations
 - (1) After discontinuance of CalWORKs or foster care, the local child support agency will continue to attempt to collect on any unpaid support obligation that occurred under an assignment pursuant to Section 12-410.
 - (A) Any child, family and spousal support collections applied to the permanently assigned arrearages and IRS tax intercept collections applied to the conditionally assigned arrearages shall be used to reimburse any amounts of past aid which have not been reimbursed under Section 12-425(h).
 - 1. These collections shall be reimbursement to the county, state, and federal governments according to the repayment sharing rates provided annually by the Department.
- (o) Information to the County Welfare Department

12-425	WELFARE DISTRIBUTION PROCESS (Continued)	12-425
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- (1) The local child support agency is responsible for ensuring that all distribution amounts are proper and the time frames are met for disbursing payments to families and on behalf of foster care cases.
- (2) The county welfare department is responsible for disbursing the disregard payments to the family within the required time frames.
- (3) The local child support agency shall notify the county welfare department each month of the current support collection amount and the date the payment was received within 10 working days from the end of the collection month.
- (4) When the county welfare department is the designated agency for distributing collections made on behalf of current and former aid cases, the local child support agency shall provide the county welfare department with sufficient information to properly distribute the support payment received with sufficient time for the county to process payments to CalWORKs families, and payments on behalf of foster care cases within the time frame requirements in Section 12-108.
- (5) When the county welfare department disburses disregard payments, the local child support agency shall provide the amount of disregard authorized in sufficient time for the county welfare department to make appropriate disregard payments in accordance with the time frame requirements specified in Section 12-108.

NOTE: Authority Cited: Sections 17310 and 17312, Family Code. Reference: Section 17504, Family Code; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Sections 457(a)(1) and (2) [42 U.S.C. 657(a)(1) and (2)]; Balanced Budget Act of 1996 Sections 5532(c) and 5547; Office of Child Support Enforcement Action Transmittal 97-13, Question and Answer 70; Office of Child Support Enforcement Action Transmittal 97-17, Sections I(f), II(a), III(b)(2), IV(a) and (b), V, VI, VI(b) and (c), and VIII, Questions 2 through 7, 10, 14, 15, 20, 22, 23, 24, and 30; 45 CFR 302.33(a)(2) and .52; and 45 CFR 304.21 and .22.

12-430	CHILD/FAMILY/MEDICAL/SPOUSAL SUPPORT DISBURSEMENT REQUIREMENTS	12-430
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(a) Disbursement Time Frames

- (1) Disbursements of support payments made to the family must be made within the disbursement time frame requirements specified in Section 12-108.

12-430	CHILD/FAMILY/MEDICAL/SPOUSAL SUPPORT DISBURSEMENT REQUIREMENTS (Continued)	12-430
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(b) Child, Family, and Spousal Support Collections in Current Assistance Cases

- (1) In current assistance cases, collections that are applied to current child/family and spousal support obligations, permanently and temporarily assigned child/family and spousal support arrears interest and principal must go through the welfare distribution process pursuant to Section 12-425.
 - (A) Payments to the CalWORKs family and payments made on behalf of foster care case, pursuant to Section 12-425, must be paid within the time frames specified in Section 12-108.
 - (B) Any medical support collections on the permanently, temporarily assigned arrearages, and IRS collections applied to the conditionally assigned arrearages shall be paid to the Department of Health Services.
 - (C) No payments shall be made to the family in current assistance foster care cases. Payments to the foster care case shall be transmitted to the county welfare department to be placed in trust for the child or used in the best interest of the child, as determined by the county welfare department.

(c) Medical Support Collections in Current Assistance Cases

- (1) In current assistance cases, collections that are applied to current medical support obligations, permanently assigned medical support arrears interest and principal, temporarily assigned medical support arrearages interest and principal, and conditionally assigned medical support arrearages interest and principal from an IRS tax intercept collection, shall be paid to the Department of Health Services.

(d) Futures In Current Assistance Cases

- (1) In current assistance cases, collections that are applied to futures shall be held by the local child support agency for distribution when the noncustodial parent does not make current support payments when due.
 - (A) The noncustodial parent will be credited for any future payments held for distribution and disbursement in a future month.

12-430	CHILD/FAMILY/MEDICAL/SPOUSAL SUPPORT DISBURSEMENT REQUIREMENTS (Continued)	12-430
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- (e) Unassigned Child, Family, Medical, and Spousal Support Collections in Former and Never Assistance Cases
 - (1) In former and never assistance cases, collections that are applied against the current support obligations, unassigned pre-assistance arrearages interest and principal, unassigned during assistance arrearages interest and principal, and/or never assigned arrearages interest and principal shall be paid to the family.
- (f) Assigned Child, Family, and Spousal Support Collections in Former Assistance Cases
 - (1) In former assistance cases, collections that are applied against the permanently assigned child/family and spousal support arrearages including interest and principal shall go through the welfare distribution process pursuant to Section 12-425.
 - (A) In former assistance cases, regular collections that are applied against the conditionally assigned child, family, medical, and spousal support arrears interest and principal must be paid to the family.
 - (B) In former assistance cases, IRS tax intercept collections that are applied against the conditionally assigned child, family, and spousal support arrears interest and principal shall go through the welfare distribution process pursuant to Section 12-425.
- (g) Assigned Medical Support Collections in Former Assistance and Never Assistance Cases
 - (1) In former assistance cases and never assistance cases where there is an assignment for medical support, collections that are applied to permanently assigned arrearages interest and principal, and conditionally assigned medical support arrears interest and principal from an IRS tax intercept collection, shall be paid to the Department of Health Services.
 - (2) In former assistance and never assistance cases where there is an assignment for medical support, collections that are applied to conditionally assigned medical support arrears interest and principal from a regular collection, shall be paid to the family.
- (h) Futures in Former Assistance and Never Assistance Cases
 - (1) In former assistance and never assistance cases, collections that are applied against futures shall be paid to the family.
 - (A) The noncustodial parent shall be credited for any future payments paid to the family.
- (i) Fees and Costs
 - (1) Collections that are applied to fees and costs interest and principal shall be reported as an abatement on the CS 356.2 of the local child support agency's child support expenditure and certification claim, CS 356 series reports.

12-430	CHILD/FAMILY/MEDICAL/SPOUSAL SUPPORT DISBURSEMENT REQUIREMENTS (Continued)	12-430
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(j) Whole Dollar Amounts

- (1) For purposes of this section, the local child support agency may round off the support payments to the nearest whole dollar amounts.
- (2) If the local child support agency elects to round support payments, the rounding must be consistent for all cases.
- (3) When the amount to be disbursed is not a whole dollar amount and the county elects to perform rounding, the amount may:
 - (A) Be rounded down when the amount is 49 cents or less, and
 - (B) Rounded up when the amount is 50 cents or greater.

HANDBOOK BEGINS HERE

1. For example, if the support collected is \$259.49, the county may round this amount to \$259. If the support collected is \$259.75, the county may round this amount to \$260.

HANDBOOK ENDS HERE

(k) Treatment of Undeliverable and Uncashed Warrants

- (1) The local child support agency must treat undeliverable warrants in accordance with the requirements in Welfare and Institutions Code Section 11475.3.
 - (A) Welfare and Institutions Code Section 11475.3 requires that when a payment made to the family under Sections 12-425(c) and (i) and Sections 12-430(e), (f)(1), (g), and (h) is undeliverable, because the recipient cannot be located, the local child support agency shall make all reasonable efforts, and appropriate locate sources as specified in Section 12-104.121(a), to locate the obligee for a period of six months.
 1. If the local child support agency is unable to locate the family within the six month period, the payment shall be returned to the payor with a written notice advising the payor of the following information:
 - (i) The returned funds shall not relieve the payor of the support ordered obligation, and
 - (ii) The payor should consider placing the funds aside for the purposes of support in case the family appears and seeks payment.

12-430	CHILD/FAMILY/MEDICAL/SPOUSAL SUPPORT DISBURSEMENT REQUIREMENTS (Continued)	12-430
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2. No interest shall accrue on any past due support for which the payor has made payment to the local child support agency for the six month period, or on any amounts due thereafter until the family is located as long as the local child support agency has returned the funds due to the inability to locate the family.
- (2) When a warrant which is sent to the family pursuant to Sections 12-425(c) and (i) and Sections 12-430(e), (f)(1), (g), and (h) is uncashed, the local child support agency shall take the following actions:
 - (A) Declare the check void six months after issuance, and
 - (B) Hold the funds in stewardship for two years after the warrant is declared void. Government Code Section 29802 gives the payee this period of time to seek payment from the issuing agency. At the end of the two-year period, if no payment has been claimed, the funds revert to the county general fund.
 - (C) Funds that revert to the county general fund, pursuant to Section 12-430(k)(2)(B), shall be reported on the CS 820, and as an abatement on the CS 356.2 of the local child support agency's quarterly administrative expenditure claim.

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- (3) Returning Excess Intercepts

Excess intercept collections shall be treated in accordance with Section 12-713.

HANDBOOK ENDS HERE

NOTE: Authority Cited: Sections 17310 and 17312, Family Code. Reference: Section 14008.6, Welfare and Institutions Code; Section 29802, Government Code; 42 CFR 433.146; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Section 454B(c)(1) [42 U.S.C. 654B(c)(1)], Section 455(d) [42 U.S.C. 655(d)], and Sections 457(a)(1) and (2) [42 U.S.C. 657(a)(1) and (2)]; Balanced Budget Act of 1997 (P.L. 105-33), Section 5532(b) (conforming amendments in Section 457(a)(6)) [42 U.S.C. 657(a)(6)]; Office of Child Support Enforcement Action Transmittal 97-13, Question 70; and Office of Child Support Enforcement Action Transmittal 97-17, Sections I, V, VI, and VII, and Questions 22 and 41.

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Repealed by regulation package R-6-01E, effective 9/6/01.

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